

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF LOS ANGELES

3 CERTIFIED COPY

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5 RELIGIOUS TECHNOLOGY CENTER, A)
6 California Non-Profit Religious)
7 Corporation; CHURCH OF)
8 SCIENTOLOGY INTERNATIONAL, A)
9 Non-Profit Religious Corporation;)
and CHURCH OF SCIENTOLOGY OF)
CALIFORNIA, A Non-Profit)
Religious corporation,)

10 Plaintiffs,)

11 vs.)

No: BC 033035

12 JOSEPH A. YANNY, an individual;)
13 JOSEPH A. YANNY, a professional)
law corporation, and DOES 1-25,)
inclusive,)

VOLUME III

14 Defendants.)

15
16 VOLUME III - DEPOSITION OF

17 GERALD ARMSTRONG

18 SANTA MONICA, CALIFORNIA

19 MARCH 16, 1992

20
21 ATKINSON-BAKER AND ASSOCIATES, INC.
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24 REPORTED BY: JAN SERRA, CSR NO. 8207

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15 law corporation, and DOES 1-25,)
16 inclusive,)

17 Defendants.)

No: BC 033035

VOLUME III

18 Volume III - Deposition of GERALD ARMSTRONG,
19 taken on behalf of the Plaintiff, at 3340 Ocean Park
20 Boulevard, Suite 1050, Santa Monica, California 90405,
21 commencing at 9:00 a.m., Monday, March 16, 1992,
22 before Jan Serra, CSR 8207.

A P P E A R A N C E S

FOR THE PLAINTIFF CHURCH OF SCIENTOLOGY:

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FOR THE WITNESS:

HUB LAW OFFICES

BY: FORD GREENE, ESQ.

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THE REFEREE: THE HONORABLE THOMAS T. JOHNSON

ALSO PRESENT:

MATT WARD

///

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1

I N D E X

2

WITNESS: GERALD ARMSTRONG

3

EXAMINATION

PAGE

4

BY MR. MOXON

313

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EXHIBITS:

8

9

NUMBER

DEFENDANT'S
DESCRIPTION

PAGE

10

(None)

11

NUMBER

PLAINTIFF'S
DESCRIPTION

PAGE

12

13

(None)

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QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

15

(None)

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2 1 Church?

2 A Yes.

3 Q What is the name of it?

4 A It has no name, but I refer to it as "the

5 Church."

6 Q Is it incorporated?

7 A No.

8 Q Is it registered anywhere?

9 A No.

10 Q Do you have a position in that Church?

11 A I am the founder.

12 Q Does the Church have any employees?

13 A No.

14 Q Does anyone have a position other than

15 yourself?

16 A They don't have titles. There are

17 members.

18 Q No one has any formal position at all

19 then, other than yourself?

20 MR. GREENE: I'm going to object, that

21 mischaracterizes his testimony. He said he was the

22 founder, he did not refer to himself as having any

23 particular position.

24 THE REFEREE: Sustained just as to form.

25 Q BY MR. MOXON: Does anyone have any

2 1 formal position?

2 A I'm not sure what you mean by "formal

3 position."

4 Q Does anyone have a title?

5 A There are members. It has members.

6 Q Other than members, is there any person

7 who has a title within your Church?

8 A There aren't any specific titles within

9 the Church.

10 Q Are there any functions?

11 MR. GREENE: Objection, vague as to form.

12 THE REFEREE: Overruled.

13 You can answer if you understand the

14 question.

15 A Okay.

16 It has a function of forgiveness, that is

17 the members have a function. Their function is

18 forgiveness.

19 Q I don't quite follow you.

20 The members have the function of

21 forgiveness?

22 A That's the function. That's my function.

23 Q Of what?

24 A My function is forgiveness.

25 Q Your function is to forgive members?

1 A Yes.

2 Q Forgive them from what?

3 A That which needs forgiveness.

4 Q Anything they want forgiveness from?

5 A Anything which calls for forgiveness.

6 It's my function to forgive them.

7 Q Are there any practices in this Church?

8 A Forgiveness.

9 Q That's that's the sole practice?

10 A Right.

11 Q Are there any meetings?

12 A There have been.

13 Q There are no regular meetings?

14 A Some are more regular than others. But
15 there is not a schedule of meetings in the future.

16 Q What's a meeting consist of?

17 A When members get together.

18 Q They get together to forgive each other?

19 A Whatever they get together for is a
20 meeting of members of the Church, if members of the
21 Church are together.

22 Q Any time two members of the Church are
23 together you consider that to be a meeting?

24 A It can be.

25 Q How do you know if it is or not a

1 meeting?

2 A That would depend upon the members of the
3 Church.

4 I consider it that way.

5 Q So there is no policy or practice with
6 respect to what is or is not a meeting?

7 A There is the belief of the Church, and
8 that is when members of the Church are together, God
9 is present. That could be called a meeting.

10 Q My question to you is there is no policy
11 or practice as to what is a meeting or what is not a
12 meeting, correct?

13 A When they're together. It may or may not
14 called a meeting. But God is present. That's the
15 belief of the Church.

16 Q My question to you, Mr. Armstrong, is:
17 Is there any policy or practice as to
18 when there is a meeting or not?

19 MR. GREENE: Objection, it's been asked
20 and answered.

21 THE REFEREE: I think he has answered it.
22 So let's go to another question.

23 Q BY MR. MOXON: How many members are
24 there?

25 A I think that that's a question which I

2 1 would decline to answer. I don't think that that's
2 appropriate, and I would assert a right of privacy
3 with regards to membership. Even numbers.

4 Q Could you answer anyway please?

5 A No, I decline to answer that.

6 THE REFEREE: I don't see that the
7 numbers as such, I don't think the disclosures of
8 numbers as such could be of purely substantial
9 significance one way or another. But I do instruct
10 you to answer.

11 A Okay.

12 Then of those that I know about,
13 approximately 30.

14 Q BY MR. MOXON: How does one become a
15 member?

16 MR. PATEL: I've held my tongue on this,
17 but a lot of this has been asked and answered in the
18 prior two volumes. If I could just register that
19 objection.

20 THE REFEREE: Have these question's been
21 asked and answered?

22 MR. GREENE: Yes, in fact they have.

23 I have not jumped in just for the sake of
24 establishing some kind of foundation and context for
25 Your Honor. But almost all of the questions thus far

3 1 have been previously asked and answered.

2 MR. MOXON: Your Honor, these questions
3 have been answered. A number of them have been
4 refused to be answered. It's impossible to have any
5 context to any of these questions unless some of these
6 foundational questions are laid. Perhaps five minutes
7 as to questions as to several of these foundations.

8 THE REFEREE: Are we past that point now?

9 MR. MOXON: Pretty much.

10 THE REFEREE: Then we'll treat these as
11 foundational so far and go from here.

12 MR. MOXON: Thank you.

13 Q BY MR. MOXON: How does one become a
14 member?

15 A One agrees that the belief of the Church
16 is that when members are together, God is present.

17 Q Is there, is anything in writing?

18 MR. GREENE: You mean with respect to how
19 one becomes a member?

20 MR. MOXON: Yes.

21 A That has now been put to writing in the
22 last deposition transcript, and I believe the
23 deposition transcript before that.

24 But, and the belief and the corrolary and
25 the obvious are in writing, have been in writing since

1 1986.

2 Q BY MR. MOXON: The only writing with
3 respect to membership is in the deposition transcript?

4 MR. GREENE: Objection, that is an
5 argumentative question. He just answered the question
6 saying that there had been writing since 1986.

7 THE REFEREE: Well, sustained, just as to
8 form.

9 Q BY MR. MOXON: I'm just talking about the
10 membership now.

11 As to membership, is the only writing of
12 how one becomes a member your prior deposition
13 transcript?

14 A No.

15 The belief, the corrolary and the obvious
16 have been in with writing.

17 Q What's "the belief?"

18 MR. GREENE: Objection, asked and
19 answered.

20 A The belief is that when members of the
21 Church are together, God is present.

22 Q BY MR. MOXON: Is there any other belief?

23 A There may be many other beliefs, but that
24 is the belief of the Church.

25 Q I'm sorry, I don't understand your

3 1 answer.

2 Is there any other belief of the Church?

3 A Not in writing.

4 Q What's "the corrolary?"

5 A That whatever is said or done when

6 members of the Church are together is sacred.

7 Q What's "the obvious?"

8 A That it has always been that way, is now

9 and will ever be so.

10 Q Is anything else, any other practices,

11 beliefs or dogma of the Church in writing other than

12 what you just testified concerning "the belief, the

13 corrolary and the obvious?"

14 A There is something that I call spin off.

15 Q What's "spin off?"

16 A One piece of spin off is that when a

17 member of the Church is together, God is present.

18 Q I don't understand your answer.

19 When a single member is present God is

20 present?

21 A When he's together, God is together.

22 Q I don't understand.

23 You're using a singular -- when a member

24 is together with what?

25 A When he's together.

1 Q What do you mean by, would you define
2 your use of the word "together?"

3 A Not split into separate parts.

4 Q So when a member is not split into
5 separate parts, what happens?

6 A God is present.

7 Q Any other policies or beliefs?

8 MR. GREENE: Objection. The term policy,
9 belief, dogma is getting thrown around kind of loosely
10 and they're compound.

11 Why don't you just ask one question at a
12 time?

13 THE REFEREE: Alright. Just as to form.

14 Q BY MR. MOXON: Are there any other
15 policies, other than what you've stated, to the
16 Church?

17 A The Church really has not given any
18 policies. The Church has stated its belief, corrolary
19 thereto and the obvious. The spin off is something
20 which I came to mean rather humorously.

21 Most, there has been far more written
22 about the Church and about Church practices and dogma
23 in my deposition transcripts than in any other place.

24 Q You say the Church has stated a belief --

25 A The Church.

1 Q Where has the Church stated a belief?

2 MR. GREENE: Objection, it's

3 argumentative.

4 It's badgering the witness.

5 MR. PATEL: Also asked and answered.

6 THE REFEREE: Other than the answers
7 you've already given, can you answer this question?

8 A I'm not quite sure what you want in
9 addition to what I've stated.

10 Q BY MR. MOXON: Alright.

11 Well, there is nothing else? There are
12 no other written statements of beliefs, corrolaries,
13 obvious doctrines, policies or dogma other than what
14 you've already stated, is that correct?

15 A Right. Those are what have been written.

16 Q Do you have any ordained ministers?

17 MR. GREENE: Objection, vague as to
18 "ordained."

19 MR. PATEL: And if I may also make an
20 objection, based on the prior testimony I believe that
21 the use of the term "ministers" may be vague and
22 ambiguous.

23 A Perhaps I can --

24 THE REFEREE: Go ahead.

25 A -- help out.

1 Members of the Church, should they choose
2 to perform the function of ministers.

3 Q BY MR. MOXON: Correct me if I'm wrong
4 then.

5 As I understand your testimony there are
6 no ministers per se, but if a member chooses to be a
7 minister you consider him to be a minister?

8 A I generally do not use the title
9 "minister." But I understand the function of a
10 minister. So in that sense members of the Church may
11 perform that function.

12 Q You say they may perform that function.

13 As I understand it, again, from your
14 prior testimony, there are no ministers per se,
15 correct?

16 A The title may or may not be used. I do
17 not use that title.

18 Q You actually don't have any titles in the
19 Church at all, correct?

20 A I'm the founder.

21 Q Other than your title as founder?

22 A That's the only title that I have in the
23 Church.

24 Q By the way, when did you found this
25 Church?

4 1 A 1986.

2 Q So you don't have any ordained ministers,
3 correct?

4 MR. PATEL: Same objections.

5 THE REFEREE: I think it has been asked
6 and answered, so let's go ahead.

7 Q BY MR. MOXON: You indicated that
8 everything -- whenever two members of the Church are
9 together everything they say is sacred.

10 Is that a fair approximation of this
11 corrolary?

12 A Whatever is said or done between members
13 of the Church is sacred.

14 Q Suppose two members of the Church commit
15 a criminal act, is that sacred, if they do it
16 together?

17 A I have never entertained that idea,
18 because by its nature the Church does not lend itself
19 to criminal acts.

20 Q I'm not talking about an act of the
21 Church, I'm talking about acts of two members.

22 If two members commit a criminal act
23 together is that a sacred act of the Church?

24 A I really can't answer that. I don't know
25 what you mean by "a criminal act."

1 Q You've indicated in a prior deposition
2 that Joseph Yanny is a member of your Church, right?

3 A Right.

4 Q When did he become a member?

5 A I believe 1990.

6 Q Where was he when he became a member?

7 A When the subject first came up we were at
8 his house.

9 Q This is the first time he ever met you?

10 A The first time I ever met Yanny was in
11 L.A. Superior Courthouse.

12 Q And he wasn't a member when you met him
13 in the courthouse?

14 A No.

15 Q Is Rick Wynn a member of your Church?

16 A I don't know.

17 Q You don't know who the members are?

18 MR. GREENE: Objection. That's a
19 badgering and argumentative question.

20 THE REFEREE: Oh, sustained, just as to
21 form.

22 Q BY MR. MOXON: Do you know who the
23 members are?

24 A I know -- as I told you earlier, I
25 personally know at least 30. But I have not barred

4 1 anyone from joining and I have not barred any of the
2 members from prostelating, from recruiting new
3 members.

4 Q Is Toby Plevin a member?

5 A I do not think it's appropriate, it's an
6 invasion of privacy to get into who is a member of the
7 Church.

8 If the matter comes up at a later time as
9 to an individual, then I think it would be
10 appropriate. But for you to delve into who the
11 members are, I'll assert a right of privacy.

12 MR. MOXON: I have no intention of
13 invading any bonafied right of privacy. I will be
14 asking you about a few people who are leading
15 characters, shall we say, in the lawsuit.

16 THE WITNESS: In the lawsuit in which
17 Joseph Yanny is alleged to be representing me?

18 MR. MOXON: That's right.

19 MR. GREENE: I'm also going to object to
20 the question about Toby Plevin on the basis of
21 relevancy. I don't see how it's relevant to this
22 deposition in this lawsuit.

23 THE REFEREE: What's your thought?

24 MR. MOXON: It's relevant because Toby
25 Plevin is another attorney, Your Honor, who you may be

4 1 aware has been involved with Joseph Yanny and with Mr.
2 Armstrong, whether or not the Aznarans potentially, in
3 the forwarding of communications between them, I want
4 to determine if they're going to be asserting some
5 kind of privilege as to Toby Plevin.

6 Furthermore, Toby Plevin has been present
7 during communications between Mr. Armstrong's and Mr.
8 Yanny.

9 MR. GREENE: Perhaps counsel misspoke
10 when he said "I want to determine when they're."

11 I don't know who "they're" is. This
12 witness is testifying here and he's the one who is
13 answering. Perhaps you misspoke.

14 THE REFEREE: Well, I would think that
15 there can be some kind of right a privacy here.

16 It seems highly likely that there are
17 going to be some efforts to depose Ms. Plevin. Is she
18 on the list?

19 MR. MOXON: I don't know, Your Honor.

20 MR. PATEL: I don't believe she's on our
21 list, Your Honor.

22 THE REFEREE: For the moment I'll sustain
23 the objection. Though I can see that the questioning
24 might well be developed so it would be appropriate to
25 ask the question at some later time with possibly a

5 1 later result. Different result.

2 MR. MOXON: Thank you.

3 Q BY MR. MOXON: Do you recall a trip that

4 you took with Joe Yanny and Toby Plevin to the court

5 of appeals last year?

6 A Yes.

7 Q Did you have communications with Yanny

8 during that trip?

9 MR. GREENE: Objection, it's been asked

10 and answered.

11 MR. MOXON: I'm setting a foundation so

12 that the court can understand what's happening here.

13 THE REFEREE: You can answer.

14 A Yes.

15 Q BY MR. MOXON: Were all your

16 communications with Mr. Yanny sacred during that trip?

17 A Yes.

18 Q Were they all privileged?

19 MR. PATEL: Objection, calls for a legal

20 conclusion.

21 THE REFEREE: Sustained.

22 Q BY MR. MOXON: Tell me everything that

23 you said and everything Mr. Yanny said during that

24 trip?

25 MR. PATEL: I'm going to assert a

5 1 priest-penitent privilege to the extent it applies,
2 2 Your Honor, on behalf of Mr. Yanny.

3 3 Q BY MR. MOXON: Let me set a foundation
4 4 then for why I couldn't even arguably apply.

5 5 Ms. Plevin was present in the car with
6 6 you, correct?

7 7 A Correct.

8 8 Q She overheard all of your conversation?

9 9 A I can't answer.

10 10 MR. GREENE: Objection, calls for
11 11 speculation.

12 12 Q BY MR. MOXON: Was she in a position to
13 13 be able to overhear you speaking with Yanny?

14 14 MR. GREENE: Same objection.

15 15 THE REFEREE: Physically, where were you
16 16 and where was Mr. Yanny and where was she? What kind
17 17 of a car was it?

18 18 A We were in a small read foreign car.
19 19 Ms. Plevin was driving. Her mother was
20 20 beside her.

21 21 Joe Yanny and I were in the back seat.

22 22 Q BY MR. MOXON: Is Ms. Plevin an official
23 23 of any kind of your Church?

24 24 MR. GREENE: Objection. It's been asked
25 25 and answered. It's just in a little different form.

1 THE REFEREE: Well, were you and Mr.
2 Yanny whispering?

3 A I don't think so.

4 Generally Joe was talking to Toby as much
5 as anything else.

6 THE REFEREE: When he spoke she could
7 hear him?

8 THE WITNESS: I'm quite certain.

9 THE REFEREE: When she spoke could you
10 hear her?

11 THE WITNESS: I'm also quite certain of
12 that.

13 Q BY MR. MOXON: Is Ms. Plevin an official
14 of any kind of your Church?

15 MR. GREENE: Same objection.

16 THE REFEREE: Overruled. You may answer
17 the question.

18 A She is not an official.

19 Q BY MR. MOXON: Is she a member?

20 A I don't know.

21 Q You've never had any communication with
22 her concerning whether or not she was a member?

23 MR. GREENE: Objection, asked and
24 answered. He said he didn't know.

25 THE REFEREE: It's a follow up question.

1 You can answer that one.

2 A It's possible. I do not recall having
3 that communication with her.

4 Q BY MR. MOXON: Did you ever?

5 A If I did, I don't recall what her
6 response was.

7 Q Did you ever have any communication with
8 Ms. Plevin's mother concerning her mother's membership
9 in the Church?

10 MR. GREENE: Objection, irrelevant.

11 THE REFEREE: Overruled. You can answer.

12 A No.

13 Q BY MR. MOXON: Tell me everything that
14 you can remember that you spoke to Joseph Yanny about
15 during that trip?

16 MR. PATEL: Making the same assertion,
17 privilege, Your Honor.

18 THE REFEREE: What's your thought
19 gentleman? If you have a conversation that's a public
20 conversation can it still be a priest-penitent
21 conversation?

22 MR. PATEL: Well, I'm thinking of a
23 couple things Your Honor.

24 So far we've heard testimony about
25 discussions between Mr. Yanny and Ms. Plevin that were

5 1 audible. We haven't heard any testimony about whether
2 2 there was a radio playing, whether they were indeed
3 3 whispering between themselves, whether there was noise
4 4 coming off the street such that it might obstruct
5 5 conversation between Reverend Armstrong and Mr. Yanny.
6 6 I think we should go through that and set up a
7 7 foundation.

8 MR. MOXON: Let me go ahead and get all
9 9 of these other questions out of the way and we'll come
10 10 back to this.

11 Obviously it is our position that there
12 12 is no priest-penitent privilege whatsoever between Mr.
13 13 Armstrong and Mr. Yanny. In fact, the position we
14 14 have taken in court is that it was a disingenuous
15 15 assertion of a project.

16 What is your name?

17 MR. PATEL: Jayesh Patel.

18 Q BY MR. MOXON: Mr. Patel referred to you
19 19 as "reverend."

20 You don't refer to yourself as
21 21 "reverend," have you?

22 A I haven't.

23 Q Why does he refer to you as "reverend?"

24 MR. GREENE: Objection, calls for
25 25 speculation.

5

1 THE REFEREE: Sustained.

2 A (No response)

3 Q BY MR. MOXON: Have you ever heard
4 anybody refer to you as "reverend" before in the
5 context of this new church?

6 A They may have.

7 Q You don't have any reverends, do you?

8 A Uhm, just to backtrack a little bit.

9 Those sorts of titles are not used, but
10 if someone chose to call himself reverend, I would not
11 object.

12 Q Mr. Patel is not a member of your Church,
13 is he?

14 A I don't know.

15 Q You don't have any list of members, do
16 you?

17 MR. PATEL: Objection, vague and
18 ambiguous.

19 Are you talking about a membership list?

20 THE REFEREE: You mean a written list?

21 Q BY MR. MOXON: Do you have a written list
22 of members?

23 A I have a list of some members.

24 Q In writing?

25 A Yes.

6

1 Q Outside of your deposition testimony is
2 there a written list?

3 A Correct.

4 Q When was that created?

5 A Beyond that I'm not going to go into
6 anything about that list.

7 Q I didn't ask who was on it, I asked when
8 it was created?

9 A Between 1986 and now.

10 Q When was there first any list, in
11 writing, of members?

12 A 1986.

13 Q Were you the only name on the list in
14 1986?

15 A Are you serious?

16 Was that a serious question or are you
17 just pulling my leg?

18 MR. MOXON: (Shakes head affirmatively)

19 A The answer's no.

20 Q BY MR. MOXON: Have you ever had any
21 communications with Rick Wynn about being a member?

22 MR. GREENE: Objection, right of privacy.

23 MR. PATEL: And asked and answered.

24 Q BY MR. MOXON: No, this is one of the
25 specific questions that Judge Cardenas ordered you to

1 answer. The question he specifically ordered is Rick
2 Wynn a member of your Church. You said you don't
3 know.

4 My follow up question is have you ever
5 had any communication with Rick Wynn about being a
6 member?

7 THE REFEREE: Please answer.

8 A No.

9 Q BY MR. MOXON: Have you ever had any
10 discussions with Mr. Yanny whereby you discussed that
11 your communications with him could be shielded through
12 certain privileges?

13 MR. PATEL: Objection. That may in
14 itself invade a privilege.

15 MR. MOXON: I've just quoted verbatim,
16 with the insertion of two words Mr. Yanny -- which was
17 ordered by Judge Cardenas to be compelled.

18 Q BY MR. MOXON: The specific question he
19 ordered you to answer was did you ever have a
20 discussion with Mr. Yanny whereby you discussed that
21 your communications could be shielded through certain
22 privileges?

23 A And I will assert the priest-penitent
24 privilege with regards to that question and I will not
25 answer.

1 MR. MOXON: Your Honor, this is a
2 question that Judge Cardenas ordered the witness to
3 answer.

4 THE WITNESS: I think that it's necessary
5 to first of all understand the context in which it was
6 ordered.

7 Secondly, the representations made by Mr.
8 Drescher on the record about what they were seeking.

9 And third, about the actual comments made
10 by Judge Cardenas at that time.

11 MR. PATEL: I don't believe that any
12 order was ever issued, Your Honor, on a question by
13 question basis. If there was I certainly have never
14 seen it.

15 MR. MOXON: You know that's not true.
16 There was a number of questions set forth in the
17 separate statement, and Judge Cardenas ordered he
18 answer them.

19 MR. PATEL: I believe Judge Cardenas
20 ordered Mr. Armstrong show up for a deposition, but
21 not a question by question order.

22 THE WITNESS: Mr. Drescher at the time
23 represented that they were all foundational questions.
24 So if because Judge Cardenas appeared to have not read
25 that list of questions, and if you inserted other

1 questions which went beyond foundation, then I think
2 that it's a bit of a fast one that you guys are
3 pulling.

4 So I think that we ought to go back to
5 foundation and then if you are able to break down the
6 priest-penitent privilege, that's a different matter.

7 Q BY MR. MOXON: You refuse to answer the
8 question?

9 A Yes.

10 MR. MOXON: Your Honor, could I have an
11 instruction to the witness to answer the question?

12 Q BY MR. MOXON: The question again is, did
13 you ever have a discussion with Mr. Yanny whereby you
14 discussed that your communications could be shielded
15 through certain privileges?

16 MR. GREENE: Your Honor, for the record,
17 it's my understanding that you sustained Mr. Yanny's
18 assertion of the privilege as between him and Mr.
19 Armstrong with respect to substantial matters. And
20 for this witness to be compelled to answer such a
21 question would completely undermine Mr. Yanny's
22 assertion of the privilege.

23 THE REFEREE: Well, I don't think it's
24 quite as simple as that really.

25 I don't have any quarrel with the

6 1 abstract proposition that this Church can exist. I
2 2 have a problem with the concept that there can be a
3 3 legitimate Church belief that when two people are
4 4 present God is present. And that in many ways their
5 5 conversations can be in the nature of a
6 6 priest-penitent conversation.

7 That doesn't mean to me that every
8 8 conversation that Mr. Armstrong and another member of
9 9 the Church would have would fall in that category.

10 Just by way of example, if you're eating
11 11 together and you say pass me the salt, I do not
12 12 consider that that would fall in a priest-penitent
13 13 category. And I don't believe that a conversation
14 14 regarding the ramifications of conversations in a
15 15 legal sense would necessarily fall in a
16 16 priest-penitent slot or category.

7 Discussing possibilities, just generally
17 17 speaking, I don't believe would necessarily fall in
18 18 that. So if you want to persist in advancing this
19 19 position you should argue it further.
20 20

21 MR. PATEL: May I add an observation Your
22 22 Honor?

23 THE REFEREE: Yes.

24 MR. PATEL: To the extent that that
25 25 conversation, if it occurred, would involve a legal

7 1 analysis and to the extent that we don't know when
2 2 this conversation occurred, and to the extent that
3 3 there has, at least in Mr. Yanny's deposition, been a
4 4 recognized attorney-client relationship between the
5 5 witness And Mr. Yanny, perhaps we can narrow it down
6 6 and make sure we don't violate any of those privileges
7 7 either.

8 Furthermore, if it would help I do have a
9 9 copy of the reporter's transcript of the December 2nd
10 10 hearing in which the court indicates: "Mr. Armstrong,
11 11 you will answer the questions as best you can, that
12 12 direct themselves to the basis for asserting
13 13 privileges. They're entitled at least to get that.
14 14 Whether or not you are compelled to answer will have
15 15 to be determined by this court."

16 THE REFEREE: Okay.

17 THE WITNESS: In this particular
18 18 situation, Your Honor, which goes to a discussion of
19 19 the very nature of the Church -- and certainly
20 20 hypothetically a lawyer, being a lawyer would
21 21 recognize legal ramifications -- but that goes to a
22 22 discussion of the nature, that goes to a discussion of
23 23 the belief, that goes to a discussion of what the
24 24 Church is.

25 Now, the Church, the idea -- and they

7 1 simply have not wanted to get into this -- but the
2 idea came to me, I consider divinely inspired. Now,
3 at the same time I have lived through a period of
4 great strife with this organization. And great
5 invasion of my privacy and great attempts to get to me
6 through everyone that I communicate with. So there
7 was a logical step in this. But the idea came to me
8 as an idea, without initially an understanding of the
9 legal ramifications.

10 But I understand the legal ramifications
11 now. And that is all that I consider a Church does.
12 If no one in the world can be safe communicating to
13 me -- that's what their position is -- they can take
14 the deposition of my girlfriend. They can take the
15 deposition of my friends.

16 I don't believe that. And I think that
17 it was a God-send that came along, and I don't see
18 what other product -- what else does a Church do if a
19 Church does not offer sanctuary to its members? What
20 does it do?

21 It can have fair game, it can go out and
22 harass people. All of that is all religious doctrine.
23 That's all -- but here where someone is saying, for
24 the safety of people who will associate with me,
25 that's the legal ramifications as it --

1 MR. PATEL: May I make a suggestion?

2 MR. MOXON: The issue -- everything that
3 Mr. Armstrong has been saying doesn't focus on the
4 central issue in this case.

5 Mr. Armstrong is locked into litigation
6 with the Church. Joseph Yanny was former counsel for
7 the Church and also litigation for the Church. Mr.
8 Yanny was subject to an injunction by Judge Cardenas
9 not to communicate with people such as Mr. Armstrong.
10 The issue is Mr. Yanny, in our view, breached an
11 attorney-client relationship by attempting to assist
12 Armstrong in litigation he presently has with the
13 Church.

14 And you can talk to anybody you want in
15 the world, Mr. Armstrong, we're not interested in
16 that. We're interested in the four corners of this
17 complaint. Communications with Yanny. Yanny goes
18 out. Yanny is already a member of other churches. He
19 has claimed priest-penitent with other churches just
20 for the purpose of withholding his communications.
21 Now he suddenly goes out and says I can be a member of
22 your Church so I can withhold my communications with
23 you in breach of attorney-client privilege. That's
24 what looks funny. We're looking at the legal basis.

25 MR. PATEL: By my silence -- and it's Mr.

7 1 Moxon, correct?

2 THE REFEREE: Yes, it is Mr. Moxon.

3 MR. PATEL: I'm glad that Mr. Moxon
4 qualified his remarks by saying those are his
5 observations, because we certainly don't adopt them
6 and we certainly dispute them.

7 Second, if I can consult with Mr. Greene
8 and try and sort this out, I'm more concerned with the
9 attorney-client privilege issue frankly.

10 THE REFEREE: Take five minutes.

11
12 (Recess taken 11:25 a.m. to 11:38

13 a.m.)
14

15 THE REFEREE: The record should show that
16 we had a very brief meeting outside the hearing room.

17 Do you have a comment?

8 18 MR. PATEL: As a preface I understand
19 there are some different theological and philisophical
20 questions that we're trying to walk through here.

21 I've asked Mr. Greene to insure that for
22 purposes of this question it was not the conversations
23 not held within the contention of an attorney-client
24 relationship because I don't know the time frame of
25 this conversation. It hasn't been established. And I

1 just don't want to run afoul with that privilege.

2 I've asserted my priest-penitent
3 privilege on behalf of Mr. Yanny if it applies. Mr.
4 Armstrong has articulated the argument to that. There
5 is very little I can add to that.

6 MR. GREENE: We're going to make it easy
7 and Mr. Armstrong is going to answer the question
8 directly.

9 THE REFEREE: Okay.

10 A First of all I would like to say
11 something so that what Mr. Moxon has stated is put in
12 a little more perspective.

13 And that is that Mr. Yanny has never
14 represented me in matters that they allege that he
15 represented me. And they have not come forward with
16 one instance, one time, they have not stated any time
17 one thing, one subject that Mr. Yanny assisted me in
18 litigation against Scientology organization in.

19 So as far as they are indeed doing what I
20 said they were doing, that is that they have created
21 this situation and they are seeking to invade.

22 MR. MOXON: I object, there is absolutely
23 no -- can you answer the question Mr. Armstrong?

24 THE REFEREE: I understand that people
25 have very different ideas about the situation and I

8 1 understand that there are strong feelings on each side
2 2 of this litigation.

3 And this isn't my first contact with
4 Church litigation, and I have been -- or the problems
5 of knowing what has occurred in other cases in other
6 situations. But we really are addressing ourselves
7 just now to this situation and just to this particular
8 deposition.

9 So with all that in mind, and having in
10 mind your general position and how you feel about what
11 the Church and what you believe the Church has done in
12 the past, and in your opinion may be doing at the
13 present, what's the answer to this question about the
14 conversation with Mr. Yanny?

15 Q BY MR. MOXON: The question is, did you
16 ever have a discussion with Yanny whereby you
17 discussed that your communications could be shielded
18 through certain privileges?

19 A No.

20 Q Never?

21 Did you ever discuss with Yanny the
22 existence of any privileges?

23 MR. PATEL: I'm going to make the same
24 objections, the same reservations, that if there is an
25 answer to this question, that it invades the

1 attorney-client privilege and priest-penitent
2 privilege.

3 I'll object to a response on this basis.
4 If there isn't the witness should feel free to answer.

5 Q BY MR. MOXON: Answer?

6 A It is clear now that the subject in that
7 Mr. Yanny and I have been lumped together, the subject
8 of privileges exists and we both know about it.

9 Q Did you ever have any discussion --
10 THE REFEREE: I think he was still
11 answering the question.

12 A But prior to the attack in which you have
13 linked Yanny and me, no.

14 Q BY MR. MOXON: I don't know what you mean
15 by that.

16 The question to you very simply is have
17 you ever had any discussions with Yanny concerning
18 testimonial privileges?

19 MR. PATEL: Same objection. Same
20 qualifications.

21 THE REFEREE: With those things in mind,
22 can you answer the question?

23 A My recollection is that it was first
24 asserted in my deposition back in perhaps October last
25 year, and that's the first time it was asserted.

1 I asserted it without any involvement or
2 any consultation with Mr. Yanny, but just based on my
3 knowledge of our relationship. Because Mr. Yanny and
4 I do have a priest-penitent relationship.

5 Q BY MR. MOXON: Mr. Armstrong, the
6 question is have you and Yanny ever had any
7 discussions concerning testimonial privileges?

8 A I've told you all that there is.

9 Q Your answer is no, you've never had any
10 discussions with Yanny concerning testimonial
11 privileges?

12 MR. PATEL: I haven't stated it, but
13 those questions carry the same objections and same
14 qualifications.

15 A I don't recall a specific communication
16 with him.

17 But since October at least it has been
18 obvious to everyone that I have asserted it, and that
19 one exists. So I have not withheld that fact. But I
20 don't have in mind a specific communication.

21 Q BY MR. MOXON: Have you ever talked to
22 Yanny about the existence of a priest-penitent
23 privilege?

24 MR. PATEL: Objection, asked and
25 answered.

1 Q BY MR. MOXON: The fact that there is
2 such a privilege that existed?

3 MR. PATEL: Same objection.

4 THE REFEREE: I think that's been asked
5 and answered. So let's go to something else.

6 THE WITNESS: I would ask that you --

7 THE REFEREE: There is nothing pending
8 right now, Mr. Armstrong, and I've not required you to
9 answer that question.

10 THE WITNESS: I just wish he could get to
11 the representation.

12 THE REFEREE: It's his deposition.

13 Q BY MR. MOXON: Did you ever have any
14 discussions with Yanny when he asked you to give him
15 counseling and talked about legal matters?

16 MR. PATEL: Same objections.

17 MR. GREENE: Objection, attorney-client
18 privilege.

19 MR. MOXON: Answer.

20 Judge Cardenas specifically ordered this
21 question to be answered.

22 MR. PATEL: I don't see how that is
23 foundational, and I still don't have an order where
24 the Judge specifically ordered this question.

25 THE REFEREE: What can you show me from

9 1 the transcript?

2 MR. MOXON: Obviously, Your Honor, a
3 positive response to this question would indicate that
4 the privilege is a sham.

5 THE REFEREE: Well --

6 Q BY MR. MOXON: Did you ever have any
7 discussions with Yanny when he asked you to give him
8 counseling and you talked about legal matters that
9 would be a protection for the alleged priest-penitent
10 issue and hiding what's the central issue in this
11 case?

12 MR. PATEL: I'm not going to dignify that
13 with a response.

14 THE REFEREE: I don't think it's all
15 quite that black and white.

16 MR. MOXON: Your Honor, here is the
17 separate statements of questions at issue filed
18 concurrently with motion to compel answer to
19 deposition questions of Gerald Armstrong.

20 I direct your attention to question No.
21 17. (Indicating)

22 MR. PATEL: Your Honor, again I refer you
23 to the transcript of the hearing. I have a copy of it
24 if you would like to read it.

25 THE REFEREE: I have some problems with

9 1 the form of the question. Maybe you can break it down
2 2 and ask something in the nature of foundational
3 3 questions or questions in the nature of, relative to
4 4 foundation here. Have you asked the witness whether
5 5 he's had any discussions with Mr. Yanny regarding
6 6 legal matters?

7 And let me give you the framework that
8 8 represents my understanding of what Mr. Yanny said in
9 9 his deposition. My understanding of Mr. Yanny's
10 10 testimony was that in effect, it was to the effect
11 11 that the only legal representation type relationship
12 12 he had had with Mr. Armstrong had to do with literary
13 13 matters. And I think to get anywhere in this
14 14 interrogation I think you're going to have to start
15 15 with that and then let's see where that leads us.

16 Or you can ask him whether Mr. Armstrong
17 17 had any legal, lawyer-client relationship with Mr.
18 18 Yanny, period. And then whether it related to
19 19 anything other than literary matters. And we'll see
20 20 if this helps in any way.

21 Q BY MR. MOXON: Mr. Armstrong, you're
22 22 asserting an attorney-client privilege with Mr. Yanny,
23 23 is that right?

24 A Yes.

25 Q When did this begin, an attorney-client

9 1 relationship with Yanny, allegedly?

2 A Early 1990.

3 Q For what purpose?

4 MR. PATEL: I'm going to assert the

5 privilege on that. The question calls for a

6 narrative, Your Honor, and may --

7 THE REFEREE: Alright.

8 Q BY MR. MOXON: State the subject area

9 generally?

10 A Rights to intellectual and artistic

11 works.

12 Q Did you have any discussion --

13 Are you writing anything concerning

14 Scientology by the way?

15 MR. GREENE: Objection, irrelevant.

16 MR. MOXON: It's highly relevant.

17 MR. GREENE: It's relevant as to what

18 Yanny's alleged breaches with respect to Scientology

19 are concerned, whether Armstrong is writing anything

20 about Scientology.

21 THE REFEREE: Excuse me, it is discovery

22 and I think it's a question that can be answered, so

23 the objection is overruled.

24 If you have the question in mind you can

25 answer it.

1 MR. GREENE: It's a yes or no answer.
2 Don't give anything other than a yes or no answer
3 because I don't want you waiving any privilege that
4 you have with me.

5 THE WITNESS: Read the question back
6 then.

7 Q BY MR. MOXON: During the time that
8 you've known Mr. Yanny, were you engaged in writing
9 anything relating to Scientology?

10 A That's a different question from what you
11 originally asked. However, I will answer that.

12 Yes.

13 Q What?

14 A Declarations.

15 Q What else?

16 Declarations for what? Let me -- strike
17 that. Let's get everything first.

18 What else concerning Scientology have you
19 written or been in the process of writing since you
20 met Yanny?

21 MR. GREENE: If any?

22 A Legal memoranda.

23 Q BY MR. MOXON: Anything else?

24 A Letters and notes.

25 Q Anything else?

1 A That's sufficient.

2 Q Anything else?

3 A That's what comes to mind.

4 Q Anything else, Mr. Armstrong?

5 MR. PATEL: Objection.

6 A I'm not sure what you mean by "anything
7 else."

8 Q BY MR. MOXON: I'm not sure what you mean
9 by "what comes to mind?"

10 A That's what did come to mind.

11 Q My question to you is, is there anything
12 else that you've written concerning Scientology since
13 you met Joe Yanny other than declarations, legal
14 memoranda, letters and notes?

15 A That's all that comes to mind.

16 Q Does that mean no, there is nothing else?

17 MR. GREENE: Objection, this is
18 argumentative.

19 THE REFEREE: "All that comes to mind"
20 is, I'm taking as the equivalent of that's all.

21 Is there anything else?

22 A I can't think of anything.

23 If there is another type of writing that
24 exists that I may have, that you know of that I don't
25 you could ask me, but nothing comes to mind. I'm not

10

1 avoiding answering I just --

2 Q BY MR. MOXON: Just so it's real clear
3 for the record, Mr. Armstrong, because I don't want to
4 have a problem with this later, is it your testimony
5 that you have no recollection of writing anything else
6 concerning Scientology since you met Yanny other than
7 declarations, legal memorandum, letters and notes?

8 A I can't think of anything right now.

9 THE REFEREE: Okay.

10 Q BY MR. MOXON: Have you written or
11 started to write any books concerning loyalists?

12 A Books concerning loyalists?

13 MR. GREENE: Vague and ambiguous
14 objection.

15 Q BY MR. MOXON: Anything concerning
16 loyalists?

17 MR. GREENE: What is a "loyalist?"

18 THE REFEREE: Does that expression have a
19 meaning to you?

20 A I have written declarations concerning
21 loyalists.

22 Q BY MR. MOXON: The question is have you
23 written any books or articles, or drafted any books or
24 articles or works concerning loyalists?

25 Books -- we will exclude declarations

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from that list.

MR. GREENE: Objection, irrelevant.

THE REFEREE: Well, I don't really see
the relevance. Whether he's written thousand
things --

MR. MOXON: Your Honor --

THE REFEREE: I'm just saying whether
he's written something or whether he's thinking about
writing something can only be material if he's
consulted Mr. Yanny concerning it.

MR. MOXON: I'm laying a foundation Your
Honor.

Loyalist is a Scientology issue. Mr.
Armstrong was involved in some years past in the
creation of some things concerning loyalists and has
been in communication with some persons concerning
loyalists as it relates to Scientology.

The question is what he's written since
Mr. Yanny is apparently representing him in some
literary fashion.

Q BY MR. MOXON: Have you written or begun
to write any books concerning loyalists?

THE REFEREE: You can answer that yes or
no. And I don't think it's going to go any farther
than that.

1 MR. GREENE: I would like to register an
2 objection for the record to the extent that an answer
3 to that would disclose any communication that you have
4 had with Yanny in the context of him providing legal
5 advice for literary matters, I would assert the
6 privilege as the client would have.

7 A Then -- and I'll also try and clarify the
8 record, because your questions don't make total sense
9 just yet.

10 Hold on.

11 MR. MOXON: Could I just request that the
12 witness be instructed just to answer my question?

13 A When I answer you'll understand why.

14 The declarations which I have written, it
15 is firmly my intention to have published. I consider
16 the works which I have assembled in a legal context,
17 that is --

18 MR. GREENE: Wait. Stop and answer the
19 question.

20 A Letters.

21 MR. GREENE: Don't give speeches, answer
22 the questions.

23 A That's what they are, declarations.

24 Q BY MR. MOXON: So you intend to have your
25 declarations published?

1 A Right.

2 Q Concerning Scientology?

3 A Right.

4 Q The question is have you written or have

5 you begun to write any book, or article or tract

6 concerning loyalists?

7 A Declarations.

8 Q We've got declarations. Let's exclude

9 declaration from that list.

10 Have you written or started to write any

11 books, articles or tracts concerning loyalists, other

12 than declarations?

13 A No.

14 Q Have you written or begun to write any

15 book concerning Scientology in any fashion?

16 MR. GREENE: Objection, relevancy.

17 THE REFEREE: Whether he has or not, this

18 is, really seems to me it's verging on discovery not

19 having to do with this dispute.

20 MR. GREENE: But I'd like to add, Your

21 Honor, that it could well be discovery that's related

22 to a different lawsuit that Scientology is presently

23 prosecuting against Mr. Armstrong, and if that's the

24 case then that lawsuit is the proper place, not here.

25 THE REFEREE: Alright.

10 1 MR. GREENE: It's irrelevant.

2 MR. MOXON: Your Honor asked me to lay a
3 foundation.

4 THE REFEREE: I consider you're -- and I
5 don't know, I think you have a sufficient foundation
6 to see what inquiries, if any, are appropriate as to
7 whether there have been any; just the existence of
8 conversations regarding Mr. Yanny's functions as an
9 attorney or legal advisor on these subjects.

10 Q BY MR. MOXON: Did you have any
11 communications with Yanny concerning anything you have
12 ever written concerning Scientology?

13 A No.

14 Hold on, let me just clarify that. Other
15 than the fact that I have delivered to him in the
16 litigation these documents which I have written and I
17 have assembled.

18 Q Did Yanny ask you to write anything for
19 this litigation?

20 MR. PATEL: Objection, that invades work
21 product privilege.

22 THE REFEREE: What was the question?

23 Q BY MR. MOXON: Did Yanny ask you to write
24 anything for his litigation concerning Scientology?

25 THE REFEREE: Why wouldn't that be --

1 MR. PATEL: Same objection.

2 THE REFEREE: Would it or wouldn't it?

3 I'll sustain the objection.

4 MR. MOXON: Your Honor, if Joseph Yanny
5 came to Mr. Armstrong and Yanny indicated to Mr.
6 Armstrong that he wanted him to write things for the
7 purpose of his litigation in this case, that's highly
8 relevant to this.

9 THE REFEREE: Do I think that would be a
10 violation of an injunction?

11 MR. MOXON: It could be.

12 MR. PATEL: As far as I understand that
13 injunction Mr. Yanny was not restricted from
14 conducting his defense in this litigation. I don't
15 think Judge Cardenas' injunction was quite that broad.

16 THE REFEREE: I would be kind of
17 surprised if it could be.

18 MR. MOXON: Is there a ruling on a
19 privilege here?

20 I don't understand why we would be
21 precluded from finding out what communications
22 transpired between Yanny and Armstrong concerning
23 Scientology. That's the crux and central issue in
24 this lawsuit.

25 MR. PATEL: That wasn't the question.

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THE REFEREE: You want to re-state the
question or have it read back?
Before we get to that, let's go off the
record for a minute.

(Discussion held off the record.)

(Ending time: 12:00 p.m.)

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STATE OF _____)
) ss.
COUNTY OF _____)

I, the undersigned, declare under penalty
of perjury that I have read the foregoing
transcript, and I have made any corrections,
additions, or deletions that I was desirous of
making; that the foregoing is a true and correct
transcript of my testimony contained therein.

Executed this _____ day of _____,
19____, at _____, _____.
(City) (State)

GERALD ARMSTRONG

11 1 STATE OF CALIFORNIA)

2

3 COUNTY OF LOS ANGELES)

4

5 I, JAN W. SERRA, CSR No. 8207,

6 Certified Shorthand Reporter, certify:

7 That the foregoing proceedings were,
8 taken before me at the time and place therein set
9 forth, at which time the witness,

10 GERALD ARMSTRONG,

11 was put under oath by me;

12 That the testimony of the witness And
13 all objections made at the time of the examination
14 were recorded stenographically by me and were
15 thereafter transcribed;

16 That the foregoing is a true and correct
17 transcript of my shorthand notes so taken.

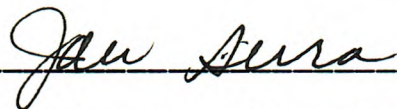
18 I further certify that I am not a
19 relative or employee of any attorney of any
20 of the parties, nor financially interested in
21 the action.

22 Dated this March 24, 1992.

23

24

25



Certified Shorthand Reporter